IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 25 OF 1986

M/s. Ajanta Traders. .. Plaintiffs.

vs.

M/s. Essken Engineering
Enterprises Pvt. Ltd., .. Defendants.

Mr. Beharam Kamdin i/by Purohit & Purohit
for plaintiffs.
None for Defendants.

CORAM : S.U.KAMDAR, J.

DATE : 23rd February, 2006.

P.C.

. The present suit is filed for the goods sold and delivered for the sum of Rs. 1,03,125.44. The principal amount is Rs. 65,582/- and interest claim thereon at the rate of 21% p.a. is about Rs. 37,543/-. It is the case of the plaintiffs that the plaintiffs sold and delivered to the defendants various goods under various bills and the defendants have not paid the price for the said goods sold and delivered. There is also a confirmation of liability. A demand notice was sent on 31.12.1982. There is no reply nor the payment was received and

accordingly the present suit is filed for recovery of the aforesaid amount. The defendants advocate was appearing and has filed written statement in Court. Pursuant to my order dated 2.2.2006 the said written statement was taken on record subject to the defendants paying cost of Rs. 5000/- to the Maharashtra State Legal Services Authority. On 16.2.2006 the learned advocate for the defendants appeared and expressed his inability to pay the cost because the defendants cannot be contacted. In that view of the matter, I have struck off the written statement from the record. Today none appears for the defendants. The plaintiff has filed compilation of documents. The same is taken on record as also affidavit of evidence filed by the plaintiffs which is also taken on record. The plaintiffs have stated that some of the original documents are not available. Explanation in that behalf is recorded by way of affidavit of evidence dated 23.2.2006. In the circumstances the secondary evidence is permitted through the documents which are tendered. The same are taken on record. I am of the opinion that in light of the fact that there is no defence, the present suit is required to be decreed. I, therefore, pass decree in favour of the plaintiffs and against the defendants for the sum of Rs. 1,03,125.44 with further interest on the principal amount of Rs.65,582/- at the rate of 12% per annum simple rate of interest. Refund of Court fee as per

rules.